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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,365	12/17/2003	Darold D. Tippey	KCX-809 (18755)	8554
22827	7590	12/19/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			HANEY, RICHAE LEE	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/738,365

Applicant(s)

TIPPEY, DAROLD D.

Examiner

Richale L. Haney

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 3, 6 - 8, 10-12, 14 & 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 6 - 8, 10-12, 14 & 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-3, 6-8, 10-12, 14 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 3, 6 – 8, 10, 12, 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (US 3,881,197) in view of Martin (US 4,964,174). The device of Andrews discloses a glove comprising a first material of acrylic jersey for tightly fitting a hand covering the palm portion and back hand portion (3, 22) directly contacting the users hand and a second material (12) made of a different material and attached to at least one finger stall (11, 17), but can be seen in a plurality of finger stalls, to directly contact the users finger tip and second portion circumscribed (12) by the first portion at a fingertip of the finger stall so as to not extend completely around the finger stall (Figure 7) wherein the first portions covers the rest of the hand of the user. The device of Andrews does not disclose that the second portion has a higher tactility than the first portion or a first and second orientation. Martin discloses a protective glove that has two portions, which are contiguous wherein the second portion is thinner and has a higher tactility than the first portion (Column 3, lines 3-5). The first portion covers the

Art Unit: 3765

palm, backhand and fingers (Figure 1A) and when combined second portion covers the tips of the index finger and also the thumb, middle, ring and pinky fingers (Figure 1B). The second portion is made entirely of the tactile material (Figure 1B). The glove has a first and second orientation where the first portion covers the entire hand and the second portion (Column 3, lines 64-66) can be manipulated to expose the tactile second portion. It is noted that the first portion may cover the entire hand and be manipulated to expose desired finger portions. A slit is located at the back side of the index finger in order to remove the first portion and expose the under layer, exposing the more tactile portion of the index finger while the rest of the hand remains covered by the first portion (Figure 1A, 5 and Column 3, lines 58-66). Martin does not specifically disclose that the second portion is made of polypropylene; however, indicates that the tactile portion may be composed of any synthetic polymer which is known for use in making flexible solvent resistant gloves and therefore utilizing polypropylene would have been an obvious modification (Column 4, lines 51 –55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Andrews by utilizing a first and second orientation and tactile material as taught by Martin in order to provide a glove that is both capable of good grip and tactility in the finger (Column 2, lines 10 –16).

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews and Martin in view of Seketa (US 5,442,816). The modified device of Andrews substantially discloses the claimed invention, but can be seen to be lacking the claimed material composition of the first portion. Seketa discloses a more tactile, thinner

(Column 3, lines 29-31) portion of the described invention is made from polypropylene (Column 18, 14-21) wherein the first and second portions are made from the same material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the device of Andrews by incorporating a thermoplastic elastomer and a thinner second portion for increased tactility as taught by Seketa, in order to obtain a liquid impervious and flexible glove, while maintaining finger tip sensitivity.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3765

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richale L. Haney whose telephone number is 571-272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571 -272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richale L. Haney
Patent Examiner
Art Unit 2765
December 12, 2005

RLH


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700